

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

C. A. NO. 04-CV-11838-PBS

LAYLA KIANI)	
	Plaintiff,)	
)	
)	
)	
)	PLAINTIFF'S OPPOSITION TO
)	DEFENDANTS' MOTION TO
)	DISMISS COUNTS I, II, AND V
)	THROUGH X OF THE
)	COMPLAINT, AND TO DISMISS
TRUSTEES OF BOSTON)	THE INDIVIDUAL DEFENDANTS
UNIVERSITY, et al.)	
	Defendants.)	
)	
)	
)	<u>ORAL ARGUMENT REQUESTED</u>
)	
)	

Plaintiff, Layla Kiani (“Ms. Kiani”), through her attorney, respectfully opposes the Defendants’ Motion to Dismiss Counts I, II, and V through X of Ms. Kiani’s Complaint, and to dismiss the individual Defendants, Cass, Mariner, Kull, and Marx in the entirety. In support of her Opposition, Ms. Kiani states ab initio that the parties have not conducted any discovery whatsoever, and therefore, Ms. Kiani is unable to adequately respond to the arguments put forth by the Defendants in support of their Motion to Dismiss.

Moreover, procedurally, since the Defendants’ Motion to Dismiss is 27 pages long—considerably longer than permissible under the Local Rule 7.2(B)(4), she hereby moves for leave of Court to respond to the Motion by submitting a longer than permissible response. In the alternative, Ms. Kiani moves this Honorable Court to order the Defendants to reduce the number of the pages in order to comply with Court rules, and then resubmit the Motion.

The Defendants’ Motion is in further violation of the Court’s local rules, namely . Local Rule 7.1(A)(2), by failing to confer with the Plaintiff’s counsel and not attempting in good faith to resolve or narrow the issue.

Substantively, the Defendants’ Motion completely fails to establish the requisite criteria for issuing relief. As set forth more fully below, the facts show that Ms. Kiani’s Complaint is based on judicially-discernable factual and legal issues, all of which would require the Court and a jury to decide on the merits of these issues. Moreover, Ms. Kiani

argues that the individual Defendants should not be dismissed because each and every one of the defendants has committed wrongful acts, which have harmed Ms. Kiani.

In further support of her Opposition, Ms. Kiani submits herewith a Memorandum of Law in Opposition to Defendants' Motion to Dismiss.

REQUEST FOR ORAL HEARING

This case raises novel issues of law in the somewhat un-charted territory of academic setting. Ms. Kiani therefore requests an oral argument, pursuant to Local Rule 7.1 (D).

Respectfully submitted,

Dated: November 2, 2004

Layla. Kiani, by her attorney

/S/ _____

Ben Tahriri
343 Washington Street
Newton, MA 02458
Tel: (617) 965-1090
Fax: (617) 965-5020
BBO# 652042

CERTIFICATE OF SERVICE

I, Ben Tahriri, Esquire, hereby certify that I have this 2nd day of November, 2004, served a true copy of the above document upon the Defendants' attorney of record by First Class Mail, postage prepaid.

/S/ _____
Ben Tahriri, Esquire